

REMARKS

I. Introduction.

Claims 1-4 and 6-19 are pending and stand rejected. Claims 18 and 19 were rejected under 35 U.S.C. Section 102(e). Claims 1-4, 13, 14, 18, and 19 were rejected under 35 U.S.C. Section 102(b). Various claims and groupings of claims within were subjected to separate rejections under 35 U.S.C. Section 103(a). Claims 1-8, 10-11, and 13-17 have been canceled without prejudice. Claims 20-32 have been added.

II. The 35 U.S.C. Section 102 Rejections.

A. Claims 18 and 19 Under Section 102(e).

Claims 18 and 19 were rejected under 35 U.S.C. Section 102(e) as being anticipated by U.S. Patent 6,170,108 issued to Knight.

The Office Action states that the patent to Knight discloses a hand-held scrubbing device in which the scrubbing surface is a nonwoven material (referring to the bristled brush in Fig. 3 and the sponge in Fig. 4). The Office Action states that with respect to lines 15-16 of Claim 19, the motor of the Knight device is activated only when the activator (43) is activated.

Applicants respectfully request that this rejection be reconsidered and withdrawn.

With respect to Claim 18, the Applicants did not intend the term "nonwoven material" to include bristled brushes and sponges as suggested in the Office Action. The listing of scrubbing surfaces on page 6 of the application, beginning on line 19 specifies that the scrubbing surface can comprise "a sponge, a brush, a woven material, a nonwoven material, * * *." Listing these types of materials separately indicates that they are different types of materials.

Further, the term "nonwoven" is well known in the industry as a term that refers to a fabric comprising a fabric assembly having structural integrity of continuous or discontinuous strands or fibers held together in random or ordered (e.g., parallel, etc.) array by (a) mechanical interlocking (e.g., as a consequence of needling or hydroentangling, etc.) in the case of thermoplastic fibers, heat-induced bonding (i.e., fusing), or (b) an impregnation or coating of a

bonding agent. See definition of U.S. Patent Class 442/Subclass 327, a copy of which is attached hereto as Exhibit "A". The Applicants have amended Claim 18 to specify that, in this claim, the scrubbing surface is a nonwoven fabric to make this more clear. It should be understood, that in other embodiments, the scrubbing surface may comprise other types of material.

With respect to Claim 19, the Knight reference does not teach or disclose a switch that activates an electromechanical motor only when being depressed, and turns off when released (e.g., a momentary switch). The Knight reference states only that the first switch 43 is provided on the casing near the handle for manually operating the motor on and off. This does not expressly describe a switch that activates an electromechanical motor only when being depressed.

B. Claims 1-4, 13, 14, 18, and 19 Under Section 102(b).

Claims 1-4, 13, 14, 18, and 19 were rejected under 35 U.S.C. Section 102(e) as being anticipated by U.S. Patent 5,881,418 issued to Enoch.

The Office Action states that, among other things, the patent to Enoch discloses a hand-held scrubbing device wherein the device is configured to have an axis that passes through the scrubbing member.

The cancellation of Claims 1-8, 10-11, and 13-17 moots the rejection of Claims 1-4, 13, and 14.

The Office Action states that with respect to Claim 18, the sponge (26) in Enoch is a nonwoven material, and with respect to Claim 19, the motor (12) would only be activated upon the activation of the switch (20).

Applicants respectfully request that the rejection of Claims 18 and 19 be reconsidered and withdrawn. As discussed above in response to the preceding rejection, a sponge is not a nonwoven material. Thus, the rejection of Claim 18 under 35 U.S.C. Section 102(b) should be reconsidered and withdrawn.

With respect to Claim 19, the Enoch reference does not teach or disclose a switch that activates an electromechanical motor only when being depressed, and turns off when released

(e.g., a momentary switch). The Enoch reference only teaches that the motor (12) is turned on or off by a manual switch (20). This does not expressly describe a switch that activates an electromechanical motor only when being depressed.

V. The 35 U.S.C. Section 103(a) Rejections.

A. The Rejection of Claims 1-4, 6-8, 10, 11, and 13-19.

Claims 1-4, 6-8, 10, 11, and 13-19 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,423,102 issued to Madison in view of U.S. Patent 4,724,563 issued to Fry, et al.

The Office Action states that the patent to Madison discloses that the cleaning device is used with a cleaning fluid but fails to state that the housing is "waterproof". The Office Action states that it would have been obvious to one of ordinary skill to have modified the device of Madison as taught by Fry to minimize the chance of water or cleaning fluid damaging the contents of the casing. The Office Action states that with regard to the recitation that the device has a generally wand-like shape that is intended to be gripped like a flashlight, this limitation is still met by the patent to Madison as it is generally wand-like.

The cancellation of Claims 1-8, 10-11, and 13-17 moots the rejection of Claims 1-4, 6-8, 10, 11, and 13-17.

The Office Action states that with respect to Claim 18, a bristled brush is a nonwoven material, and with respect to Claim 19, the motor would only be activated upon the activation of the switch (24).

Applicants respectfully request that the rejection of Claims 18 and 19 be reconsidered and withdrawn. As discussed in response to the preceding rejections, a bristled brush is not a nonwoven material. Thus, the rejection of Claim 18 should be reconsidered and withdrawn.

With respect to Claim 19, the Madison reference does not teach or disclose a switch that activates an electromechanical motor only when being depressed, and turns off when released (e.g., a momentary switch). The Madison reference only teaches that the control element, which

includes a power switch (24), controls the operation of the prime mover (20). This does not expressly describe a switch that activates an electromechanical motor only when being depressed.

B. The Rejection of Claim 9.

Claim 9 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,423,102 issued to Madison in view of U.S. Patent 4,724,563 issued to Fry, et al. as applied to Claim 1, and further in view of U.S. Patent 3,316,428 issued to Hart.

The Office Action states that the prior art discloses the invention substantially as claimed with the exception of the vibration damper. The Office Action states that the patent to Hart discloses the provision of rings adjacent a motor, and that it would have been obvious to one of ordinary skill to have provided such a means to the device of Madison to dampen out unwanted vibrations.

Applicants respectfully request that this rejection be reconsidered and withdrawn. As set forth in Applicants' prior response, among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having the ergonomically-contoured generally wand-like shape having a longitudinal axis that passes through said scrubbing surface as specified in Claim 9, which is dependent from Claim 1. In addition, neither the Madison reference, nor the Fry, et al. reference recognizes the problem of unwanted vibrations. The Hart reference is directed to a portable rotary tool for removing accumulations of lint from textile machinery. Because the references are directed to completely different problems, and there is no teaching or suggestion in the Madison reference or the Fry, et al. reference of the problem of unwanted vibrations, the combination of references is improper, and should be withdrawn. The Applicants' arguments with respect to Claim 9 were not addressed in the Office Action mailed on July 6, 2004.

C. The Rejection of Claims 1-4, 10, 11, and 13-19.

Claims 1-4, 10, 11, and 13-19 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 3,943,591 issued to Lanusse in view of U.S. Patent 4,724,563 issued to Fry, et al.

The Office Action states that the patent to Lanusse discloses the invention substantially as claimed with the exception of the casing being "waterproof". The Office Action states that it would have been obvious to one of ordinary skill to have modified the device of Lanusse as such so that the components therein would not be damaged.

The cancellation of Claims 1-8, 10-11, and 13-17 moots the rejection of Claims 1-4, 10, 11, and 13-17.

The Office Action states that with respect to Claim 18, a bristled brush is a nonwoven material, and with respect to Claim 19, the motor would only be activated upon the activation of the switch (24).

Applicants respectfully request that the rejection of Claims 18 and 19 be reconsidered and withdrawn. As set forth above with respect to Claim 18, a bristled brush is not a nonwoven material. Thus, the rejection of Claim 18 should be reconsidered and withdrawn.

With respect to Claim 19, the Lanusse reference does not teach or disclose a switch that activates an electromechanical motor only when being depressed, and turns off when released (e.g., a momentary switch). The Lanusse reference only teaches a two-position switch for the rotation of the brush with or without fluid injection, and that the motor (49) is started by pressing the switch button 32. This does not expressly describe a switch that activates an electromechanical motor only when being depressed.

D. The Rejection of Claim 12.

Claim 12 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 3,943,591 issued to Lanusse in view of U.S. Patent 4,724,563 issued to Fry, et al. as applied to Claim 1 above, and further in view of U.S. Patent 3,026,552 issued to Price.

The Office Action states that the patent to Lanusse discloses the invention substantially as claimed with the exception of the scrubbing surface being impregnated with a cleaning composition. The Office Action states that the patent to Price discloses a scrubbing surface (40) which may be impregnated with any cleaning composition (column 2, lines 66-68). The Office Action states that the use of the particular composition(s) recited in Claim 12, which are all


known cleaning compositions, would amount to an obvious choice of design to one of ordinary skill.

Applicants respectfully request that this rejection be reconsidered and withdrawn. The cited disclosure in the Price reference relative to the cleaning composition is that it "as in conventional detergent scouring pads, any cleaning compound, soap or detergent may be added to pad 34 to facilitate the cleaning operation". (emphasis added) There is absolutely no disclosure in the Price reference of a scrubbing surface that is impregnated with a controlled release technology selected from the group consisting of an emulsion polymer, a zeolite, a cyclodextrin, a starch encapsulate, a multi-layered thin film polymer, and a combination thereof, as set forth in Claim 12. The Office Action does not indicate how the references would render obvious the claimed controlled release technology in support of the obviousness rejection of Claim 12, and, therefore, the combination of references is improper, and should be withdrawn.

VI. Summary.

In view of the foregoing, reconsideration of the rejections and allowance of all claims are respectfully requested.

Respectfully submitted,
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